

**Superior Town Council  
Town Council Meeting**

**Thursday, May 1, 2008  
Superior Senior Center  
Superior, Arizona**

**M\_I\_N\_U\_T\_E\_S**

**A. Call to Order**

Mayor Hing called the meeting to order at 7:07 p.m.

**B. Salute to the Flag**

Mayor Hing led the council, staff and audience in the pledge.

**C. Opening Prayer**

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

**D. Roll Call**

**Members Present:** Councilmember Cervantes, Second Vice Mayor Lopez, Mayor Hing, Councilmember Heglie, First Vice Mayor Valenzuela, Councilmember Peralta

**Members Absent:**

*A quorum was present and the meeting continued.*

**E. Consent Agenda**

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:

**Approval of Minutes for April 17<sup>th</sup> 2008**

**Parks and Recreation resignations: Josie Campos and Brian Long**

Councilmember Heglie made a motion to accept the consent agenda. Councilmember Peralta seconded the motion. The motion passed unanimously.

**F. Communication**

**Manager's Report – Ms. Oliver**

Ms. Oliver gave a verbal update on several outstanding issues and projects within the town. Those updates were on the budget meeting, swimming pool hours and sponsorship, the Magma Club rehabilitation and visitor center construction. She stated that at this time the tax revenues are \$200,000 less than expected. She also gave explained that the weekly bulk trash pick up would be moved to once a month. She also announced that she has hired Ms. Molly Shakespeare and Ms. Rita Wentzel to work at the Senior Center on a temporary six month appointment. Ms. Oliver explained that the Sr. Center site council has been revived and the council would start to get monthly reports on their progress.

**Update on TRANSCO**

Ms. Oliver reported that she along with Ms. Brothers and Mayor Hing met with representatives from Transco regarding their desire to purchase a part of the last available lot at the industrial park. She explained the process that the town would have to go through to subdivide the lot and go out to bid on the property. She estimated that it would take a few months to finalize the plans and go out to bid before the property could be purchased. She stated that Transco really wanted to develop their business in Superior because they serve the local mines and Superior still provides great access to the valley.

**Update on Tax Code Work Session May 15**

Ms. Oliver explained that there would be a work session for the Town Council and the public regarding the tax code. She stated it would be held on May 15<sup>th</sup> at 6:00 one hour prior to the scheduled council meeting.

### **Police Department Report**

Chief Lou gave a verbal report and update on the Police Department. He stated explained that by arresting many of the long time offenders the town has seen a decrease in crime. He reviewed and compared arrests and reported crimes from last year as well as this year. He also explained that Superior now has mobile vet services through Noah's Ark clinic. Discussion followed on how to enforce codes on Dr. Wilt and what actions can be taken regarding the safety hazards being posed by many of Dr. Wilt's buildings. Council directed Ms. Oliver to work on finding a way to enforce the code as well as protect the public from the safety hazards. Chief Digirolamo also explained that the Town had received the \$100,000 from Resolution Copper for their public safety services.

### **Call to the Public**

Mayor Hing announced the call to the public. He explained that anyone wishing to speak now could only speak directly to the Council and only for items not on the current agenda.

**Fred Mirramon** –stated that he supports the water company retail location moving to the warehouse. He also complimented on how the Arizona Water Company works with the community especially our disadvantaged residents and elderly.

**Mr. Gilbert** – Explained that his neighbor has been able to build a new chicken house because of all the tin and debris that have been flying off of Dr. Wilt's buildings in his neighborhood. He expressed his concern for the safety of the children who play in and near these properties. He called for action to remedy this situation before someone gets hurt. He also reported on a meeting he attended with students from Mesa Community College and how he used one word to describe Superior. He stated that one word was anger. He stressed the importance of expression and the need for art in the community to help our residents especially our children express their anger.

**Mr. Gutierrez** – President of the Chamber of Commerce stated that at the CAAG meeting which was held the day before several local residents opposing the land exchange spoke. He explained that as Chamber president he represented the members and business owners and that the business community supports the land exchange and wants this project to move forward. He also stated that as a resident this project was a world class project and is pleased to see the agreements moving forward between the town and Resolution.

**Curt Williams** – stated that if the water company is allowed to move to the warehouse on Magma Ave then they need to do it correctly and meet codes and also understand that metal buildings are not allowed in the zoning.

**Ms. Thelma Ybarra** – spoke regarding the childhood disease of Autism. She explained that her grandchild was recently diagnosed with the disease and how it affects the child and their family. She announced that there will be a fundraising walk to benefit the Autism research in October.

### **Public Hearing**

Councilmember Heglie made a motion to move into public hearing. Councilmember Peralta seconded the motion. The motion passed unanimously. The meeting moved to a public hearing forum at 8:03 p.m.

### **Regarding the CUP-08-01, Arizona Water Company requests approval of a conditional use permit for a customer service office addition on existing facility located at 151 N. Magma Avenue, Superior, Arizona.**

*Mayor Hing explained that he would abstain from any vote or discussion on this item due to his conflict of interest on this matter.*

Mr. Williams of Willdan explained that Willdan has reviewed this plan he explained the conditional use permit and what it means to zoning of the area. He stated that because of the other uses on Magma Avenue and traffic to the mine that traffic would not be increased. He also stated that the planning and zoning commission had recently heard both arguments for and against CUP-08-01 and they voted against the request.

Representatives from Arizona Water Company explained that they wanted to move their retail location to the warehouse for several reasons that would create efficiency and cost savings to the company. He also stated that their current land lord of the retail location has posted that the building will be available for rent when their lease runs out. They reviewed their counts for walk in service as well as the local traffic counts and children using the neighborhood bus stops.

Public Comments:

**Mr. Gilbert** explained that the Mayor had abstained from addressing this issue and he explained that two members of the planning and zoning commission should have also abstained from taking action. He explained that he was in favor of this plan and sees no harm in the move. He also stated that he sees many of the homes that are on Magma becoming professional offices and other small businesses as the community develops.

**Ms. Rabago** explained that she is the planning and zoning member they are talking about. She explained why it was not a conflict of interest for her to vote on the issue. She explained that 70-80% of all the bills are paid at the office and that there is a lot of traffic that goes to the retail location. She also explained that it is a residential area and the metal buildings do not meet the design standards of the town. She explained that she felt the company should a facility like they did in Apache Junction.

**Ms. Michael Hing** read a letter from her father in law Ally O Hing stating that he is against allowing the water company to move to their warehouse. She also stated her personal opinion on the subject and said that she understands there has to be changes but she is resident of that neighborhood that the process should be done right and although the water company did the research on the bus riders that could change from year to year. She also stated that when Mr. Heglie wanted to make a coffee shop in his home near the warehouse he was turned down because the zoning did not allow that.

At the request of the council Mr. Beer explained the conflict of interest laws and stated that in his legal opinion Ms. Rabago does not have a conflict of interest therefore he stated he told he she could still participate in the discussions and vote on the subject. Councilmember Peralta stated that although technically she did not have a conflict of interest her actions are still unethical as this decision does affect her personally.

**Mr. Gilbert** stated that Mr. Heglie withdrew his application for Conditional Use Permit because the residents in the area began to complain before the process even got started. Councilmember Heglie confirmed that he was not denied zoning on his plan he withdrew the application. He also stated that the Arizona Department of Real Estate has resolutions regarding conflicts of interest in regards to real estate.

**Regarding the 2008 CDBG funding**

Mr. Armenta with the Central Arizona Association of Governments explained the CDBG process and how the money is allocated to the CAAG region. He stated that the funds must be used to benefit the low to moderate income residents in the community and because Superior is classified as a low to moderate income community the town can use the funds to do many projects. He reviewed the timelines and restrictions of the program and what role CAAG plays in the process. He explained that the communities are responsible for working with their engineers to make sure all regulations are complied with and CAAG is really only the pass through and funds administrators. Mayor Hing opened the floor for comments from the public. Mr. Armenta also explained to the council that it was too late this year to partner with another community to increase the funding and they could use the monies to do two projects. Ms. Oliver also stated that the funds could be used to create an abatement fund.

**Mr. Gutierrez** – suggested that the 2008 funds be used to finish the Magma Club

**Ms. Rabago** – suggested that they also try to partner other grants with the CDBG funds to work on the Magma Club.

**Ms. Campos** – stated that the town should use the money for the skate park and to complete the pool. She explained that recreation was needed in the community especially for the children.

**Councilmember Valenzuela** – expressed his concerns about why the food court was not ADA compliant and who signed off on the project. He suggested that the town look for grants from the state parks that could be partnered with the CDBG monies to work on the parks and recreation programs.

**Councilmember Heglie** – stated that he would like to see the town use the funds for the Magma Club or the skate park.

After no further comments from the public or council Mayor Hing asked for a motion to adjourn the public hearing and return to open session. Councilmember Peralta made a motion to close the hearing and return to open session. Second Vice Mayor Lopez seconded the motion. The motion was approved unanimously.

The regular meeting continued at 9:00 p.m.

## **Business**

### **Possible Discussion and/or action on the following**

#### **Presentation Orion Recycling**

Ms. Oliver explained that this contract was presented to the council for discussion but was not on the agenda as an action item. She explained that the contract would give the town 2% of the total gross Orion Recycling made at the transfer also Orion Recycling would also man and operate the town waste transfer station a minimum of 20 hours a week. Ms. Oliver stated that the company would be making significant improvements to the property that will allow them to operate the recycling center and transfer station and meet the environmental standards needed and this initial contract would be for three years minimum. Discussion and questions followed regarding the role Pinal County plays in the communities recycling program, will this plan really keep the station open longer than it is now and will this be a cost savings to the town if we have less trash being sent out by Allied Waste. The Mayor and council requested that staff plan a work session to discuss this contract.

#### **Discuss/Approve/Reject the new scope of work for the FY 2006 CDBG project**

Ms. Oliver explained that after the department of housing did an audit of the food court bath room project they said additional funds needed to be spent to bring the project up to ADA code. She stated that housing said if these fixtures were not made the town would not be eligible to receive CDBG funds until these problems were remedied. Ms. Oliver reviewed some of the improvements needed those improvements are lighting, to build a ramp to the stage and the drop off locations had to be more accessible for handicapped individuals. She stated the improvements made would not be so costly and left over funds could go towards the skate park/multi use facility that was proposed earlier. The amount available to the town is \$130,000. Discussion followed regarding how these ADA requirements were not met with the first round of funding. Mr. Armenta with CAAG explained that the department of housing has had a huge turn over and many of the communities are facing the same issues with previous plans being signed off but then when the audit comes around the new administration at housing is finding other things to be completed.

Second Vice Mayor Lopez made a motion to allocate the FY 2006 CDBG funds for completion of the Food Court ADA requirements and fund left over from the completion of the Food Court go towards the skate park/multiuse landscaping project. Councilmember Heglie seconded the motion. The motion passed unanimously

#### **Discuss/Approve/Reject Resolution 477, a resolution of the Mayor and Council of the Town of Superior, Arizona authorizing the submission of the amended scope of work for the CDBG 2006 funds.**

Ms. Oliver explained that this resolution was needed in order to officially appropriate the funds for the 2006 CDBG funds for the completion of the Food Court and Multiuse Landscaping (skate park). Ms Oliver read the resolution heading.

Councilmember Heglie made a motion to approve resolution 477. Councilmember Peralta seconded the motion. The motion was approved unanimously.

#### **Discuss/Approve/Reject Superior Chamber of Commerce Building Lease Agreement**

Ms. Oliver and Mr. Gutierrez made a joint presentation to the council on the layout and lease for the Chamber of Commerce in the Community Development Office. Ms. Oliver stated that based on utility research from CAAG the utility cost per month will be around \$207.00 a month but if the town decided to staff the office full time the cost would be over \$2000 a month. She recommended that the council approve the lease and lay out contingent that the Chamber staff the office 40 hours a week. Ms. Gutierrez stated that they are working on volunteer ambassador program to staff the office and she encouraged anyone interested in serving to do so. Mr. Gutierrez also stated that the town will receive a \$8,000 phone system and wiring donated by Ubiquity Telecommunications and another corporation as a donation and that Maguire Realty has been working with the Chamber and the town to finalize a color palate for the building. Councilmember Peralta made a motion to approve the lease agreement/layout. Councilmember Heglie seconded the motion. The motion passed unanimously.

#### **Discuss/Approve/Reject to Fill Vacant Council Seat**

Mr. Beers explained that after researching the town code the council will have to fill the seat and due to the timing of the vacancy the council will need to direct staff to begin the application process. First Vice Mayor Valenzuela made a motion to direct staff to advertise for the

vacancy. Second Vice Mayor seconded the motion. The motion passed unanimously.

**Discuss/Approve/Reject Bids for Construction of the Fire Station**

Ms. Oliver explained that all of the bids that were received for the completion of the fire station came in over budget however the lowest bidder was willing to make modification to the construction materials from brick to stick built which would reduce the amount. Mr. Grey stated that the construction of this facility provides the living quarters, three offices, a day room, two common bathrooms, fitness center and training rooms. Discussion followed on the blueprints, building a regular house or modular home, and if the low bid presented would fix the drainage and parking issues and did the bid include everything that was originally requested.

Second Vice Mayor Lopez made a motion to table this item until staff could get more information. Councilmember Cervantes seconded the motion. The motion passed unanimously.

**Discuss/Approve/Reject Allied Waste Contract Extension**

Ms. Oliver stated that this contract was the same contract used in the past with the exception this contract was only for a one year extension. First Vice Mayor Valenzuela made a motion to accept the contract. Second Vice Mayor Lopez seconded the motion. The motion passed unanimously.

**Discuss/Approve/Reject relocation of Town Hall to the Old Belmont Hotel/CAAG**

Ms. Oliver presented the council with the option to move town hall to the CAAG building. She stated that after some research the cost to move town hall would not be as costly as presented earlier by previous administration. She stated that all electric lines were checked and would accommodate the computer systems used by the town. She also stated that for \$5,000 the town would purchase a new phone system for town hall. Discussion followed regarding the phone system and its capabilities. Mr. Gutierrez explained that eventually the town could expand the system and this new system would allow for calls to be transferred to other town facilities.

Councilmember Heglie made a motion to have staff proceed with town hall moving into the Belmont Building. Councilmember Peralta seconded the motion. The motion passed unanimously.

**Discuss/Approve/Reject the applications for Park and Recreation Board**

Ms. Oliver stated that the application submitted was for Pete Casillas and she was requesting approval contingent upon he passing the public safety back ground check. Council discussed that it may be best to do the background checks before bringing the applications to the council for approval. Councilmember Peralta made a motion to approve the application of Pete Casillas pending he passing the public safety back ground check. Second Vice Mayor Lopez seconded the motion. The motion passed unanimously.

**Discuss/Approve/Reject the applications for Building Code Board of Appeals**

Ms. Oliver announced that five people were needed for this board. She explained that this board would hear appeals on citations for code violations. The people applying for the board are Joy Eveland, Joe Pruitt, David Pfohl, Bud Polley, and Pete Maguire. Discussion followed regarding residency requirements for this board. Mr. Pryor explained that in other cities these board members are selected because they have construction and code experience and are often times paid for their service so he explained that residency was not a requirement. Councilmember Heglie made a motion to approve the applications contingent upon the applicants passing the required public safety back ground check. The motion passed with four votes in favor and 2 against.

**Council Comments**

**Councilmember Peralta**

No Comments

**Councilmember Heglie**

No Comments

**Councilmember Cervantes**

No Comments

**Second Vice Mayor Lopez**

No Comments

**First Vice Mayor Valenzuela**

Stated that he was sad to see Josie resign from the Parks and Recreation Committee and he

understood that she was frustrated that she did so much for free. He said it was time the council set out to make recreation a priority for the town.

**Mayor Hing**

Reminded everyone about the Cinco de Mayo festival on Saturday and to come out and enjoy Menudo at the Senior Center.

Mayor Hing announced that there would not be an executive session.

**J. Executive Session**

The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 (A-1), (A-3) & (A-7)

(A-1) – Personnel

(A-3) – Legal Advice with Attorney

(A-7) – Legal Advice on Sale, Lease, or Purchase of Real Property:

**K. In Public Session**

**Adjournment**

Councilmember Peralta made a motion to adjourn the meeting. Second Vice Mayor Lopez seconded the motion. The motion passed unanimously. The meeting was adjourned at 10:42 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Superior held on the 1<sup>st</sup> Day of May 2008. I further certify that the meeting was duly called and held and that a quorum was present.

/s/  
Melanie Oliver \_\_\_\_\_  
Melanie Oliver  
Interim Town Manager

These minutes have been transcribed and compiled by  
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